

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
STEPHEN BAIN,

Plaintiff,

-against-

**INTERROGATORIES**

Index No.: 07 CIV 8021

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD,  
LONG ISLAND RAILROAD POLICE  
DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES"  
(names not know and fictitious)- POLICE  
OFFICER,

Defendants.

-----X  
COUNSELORS:

**PLEASE TAKE NOTICE**, that pursuant to Rule 33 of the Federal Rules of Civil Procedure, the defendant, The Long Island Rail Road ("LIRR") demands that plaintiff answer under oath the interrogatories hereinafter set forth as to each and every cause of action alleged, within thirty (30) days from the date of service thereof.

**PLEASE TAKE FURTHER NOTICE**, that these interrogatories shall be deemed continuing so as to require supplementary answers if the plaintiff obtains additional information of the character called for by the interrogatories between the date the answer is served and the time of trial.

1. Set forth the names and addresses of all eyewitnesses to said accident, their location at the time of the accident and what they were doing.
2. State the names and addresses of all persons present at the location and time of the accident.
3. State the names and addresses of all persons who have knowledge of any relevant facts relating to the accident.
4. State the names and addresses of any and all proposed expert witnesses.
5. Without reference to your complaint, set forth in detail each and every act, omission, default or basis of liability of the defendant upon which you predicate your claim.
6. Describe in detail the manner in which you allege the accident occurred setting forth in your description all pertinent facts known to you relating to the happening of said accident.
7. State the disposition of the criminal charges including date of disposition and judge..
8. Set forth in detail the nature, extent and duration of all injuries alleged sustained as a result of the accident or, in the alternative, attach to the answers to these interrogatories a detailed statement from the treating physician, setting forth all such injuries allegedly sustained as a result of said accident.
9. State the period(s) of time plaintiff was disabled from work as a result of the accident and the claim wage loss for each period of disability.

10. Set forth such injuries as you present suffer from setting forth in detail the present complaints and symptoms.
11. If a previous injury, disease, illness or condition is claimed to have been aggravated, accelerated or exacerbated, state the nature of each and the name and address of each doctor, if any, who rendered treatment or said condition.
12. Set forth all damage claims asserted by plaintiff.

Dated: Riverhead, New York  
February 8, 2008

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP  
Attorneys for Defendants  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO  
ROBERT ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES" (names  
not known and fictitious) - Police Officers  
21 East Second Street  
Riverhead, New York 11901  
631.369.7600

By: 

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES  
Attorneys for Plaintiff  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

Office of the Corporation Counsel of the City of New York  
Law Department  
100 Church Street, Room 3-199  
New York, New York 10007  
Att: Caroline L. Chen, Esq.

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK )

VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.


That on the 8th day of February, 2008, deponent served the within **INTERROGATORIES** upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

JOSEPH T. MULLEN, JR. & ASSOCIATES  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

Office of the Corporation Counsel of the City of New York  
Law Department  
100 Church Street, Room 3-199  
New York, New York 10007  
Att: Caroline L. Chen, Esq.

  
VERONICA C. McKENNA

Sworn to before me this  
8th day of February, 2008.

  
Lois A. Skula  
Notary Public, State of New York  
Registration No.: 4966255  
Qualified in Suffolk County  
Commission Expires :May 1, 2010

LEWIS JOHS  
Counsellors at Law, LLP

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Year 20

STEPHEN BAIN,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, METROPOLITAN  
TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG  
ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious)- POLICE OFFICERS,

Defendant.

## Interrogatories

LEWIS JOHS

Lewis Johnson & Aviles, LLP

Counsellors at Law

Attorneys for

Office and Post Office Address  
21 East Second Street • Riverhead, NY 11901  
631.369.7600 • Fax 631.369.7680  
FILE # \_\_\_\_\_

### CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a

duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order

settlement to the HON.

of the within named court, at

on

20

at

M.

of which the within is a true copy will be presented for  
one of the judges

Dated,

Yours, etc.

LEWIS JOHS